



ALVAREZ-GLASMAN & COLVIN

ATTORNEYS AT LAW

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VIA EMAIL

October 11, 2019

Robin Epley
400 E. Park Ave.
Chico, CA 95928
repley@chicoer.com

Re: California Records Act Request Received September 20, 2019

Dear Ms. Epley:

This office serves as City Attorney for the City of Chico ("City"), and we write on the City's behalf in response to your California Public Records Act ("PRA") request received on September 20, 2019 seeking:

"...A screenshot or picture of the blocked persons list[s] as of 11:30 a.m. PST on Sept. 20, 2019 from any social media page (such as Facebook, Twitter, Instagram, etc.) that you personally administrate as a government actor or identify on as political figure. This includes the blocked persons lists for any social media page where you identify yourself by your political title, any page that you run as a political organization; as well as any page that you inform the public about your government work, solicit input on policy issues via comments or likes, or swath in the trappings of your office. I also ask that you please include a timestamp on any and all documents."

As of the date of this letter, it is the City's understanding that you have already received initial responses to your request directly from Councilmembers Scott Huber and Sean Morgan. Please find the outstanding records related to your request attached herein—namely those include:

- Alexandra Brown - Declaration Confirming Search for Public Records and Screenshot of Block List
- Sean Morgan – Declaration Confirming Search for Public Records
- Ann Schwab – Declaration Confirming Search for Public Records and Screenshot of Block List
- Karl Ory – Declaration Confirming Search for Public Records and Screenshot of Block List
- Kasey Reynolds – Declaration Confirming Search for Public Records
- Randall Stone – Screenshot of Block List


In addition, please note that the purpose of this letter is to respond to your follow-up PRA email dated October 8, 2019 where you requested:

“Additionally, I would appreciate it if you could steer me toward whomever is in charge of educating the council when they take office on social media policies, Brown Act violations and First Amendment rights of the public so that I have a knowledge of what they are typically trained in.”

The City would like to inform you that there are no records responsive to this October 8, 2019 PRA email request.

If you have any questions regarding this matter, please contact the undersigned.

Very truly yours,
ALVAREZ-GLASMAN & COLVIN


Gloria V. Ramirez
Deputy City Attorney

cc: Debbie Presson, City Clerk
Dani Rogers, Deputy City Clerk
Andrew Jared, Assistant City Attorney

General

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Wi-Fi Network

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People and Other Pages

Here's where you can see people and other Pages that like Mayor Randall Stone. From the list of people who like your Page, click the  to remove someone from people who like the Page, or ban them. A person who's banned can't post, comment or take other actions on the Page.

Banned People and Pages

Search

Name	Banned
 Craig Parrish	09/04/19
 Chico Looks Like Shit	09/02/19
 Steven King	08/11/19
 Phillip Devoll	08/09/19
 Tim Wood	08/01/19
 Jesse Baume	08/24/19
 Yvonne Johnson	06/22/19
 Karin Swenson Willhoit	08/14/19
 Nichole Nava	06/14/19
 Jason Krueger	06/13/19
 Caitlin Baumann	06/13/19
 Brandon Maderos	06/13/19
 Gary and Jann Viertell	06/13/19
 Jeff Greeson	06/13/19
 Kim Shy- Burke	06/13/19
 Susan Smead	06/13/19
 Jake Scheele	06/13/19
 Tina Brownell Ortega	06/13/19
 Greg Dewing	04/05/19

Mayor Randall Stone

Ban a Person

DECLARATION CONFIRMING SEARCH FOR PUBLIC RECORDS
PURSUANT TO THE CALIFORNIA PUBLIC RECORDS ACT AND CITY OF SAN
JOSE v. SUPERIOR COURT DECISION

I, Alexandria Brown, am an elected official of the City of Chico (hereinafter, "City") and do declare as follows:

1. I understand that under California law, all responsive, non-exempt, public records must be disclosed in response to a Public Records Act ("PRA) request. (California Government Code Section 6250 *et seq.*) I have also been advised of the implications of PRA compliance regarding potential public records from my personal electronic device(s) in light of the California Supreme Court decision in *City of San Jose v. Superior Court* (2017) 2 Cal.5th 608.
2. I understand the definition of "public records" as it is defined in California Government Code Section 6252(e), which states "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics." As a result of the *City of San Jose* decision, this definition has been expanded to include a public official's personal electronic device(s) which contains communications relating to the conduct of the public's business.
3. I also understand that personal communications that are not related in some substantive way to the conduct of the public's business and which are sent from personal electronic devices are not required to be disclosed under the PRA.
4. I understand that a PRA request was submitted by Robin Epley ("Requestor"), dated September 20, 2019, for the following:
 - a) **A screenshot or picture of the blocked persons list[s] as of 11:30 a.m. PST on Sept. 20, 2019 from any social media page (such as Facebook, Twitter, Instagram, etc.) that you personally administrate as a government actor or identify on as political figure. This includes the blocked persons lists for any social media page where you identify yourself by your political title, any page that you run as a political organization; as well as any page that you inform the public about your government work, solicit input on policy issues via comments or likes, or swath in the trappings of your office. I also ask that you please include a timestamp on any and all documents.**
5. I have undertaken a good faith effort to locate all responsive records on my personal device(s). In a review of my personal electronic device, there was/were ____ record(s) that is/are a public record or is/are related to the public's business for the time period set forth by the Requestor.
6. In the event additional searches are conducted and result in responsive documents, those documents will be turned over to the City.

I hereby declare that the foregoing is true and correct to the best of my knowledge.

Alex Brown, Vice Mayor
Name, Title

10/3/19
Date

RECEIVED
OCT 03 2019
CITY CLERK
CITY OF CHICO

People and Other Pages

Here's where you can see people and other Pages that like Vice Mayor Alex Brown. From the list of people who like your Page, click the ⚙ to remove someone from people who like the Page, or ban them. A person who's banned can't post, comment or take other actions on the Page.

Banned People and Pages ↕

Search



Name	Banned
<input type="checkbox"/>  Barry Martin	10/19/18

+ Ban a Person

To whom it may concern,
The individual blocked was blocked in October 2018,
prior to my election, due to hate speech on my
social media account.

Sincerely,



Banned People and Pages

Search



Name	Banned
 Casey Croninger	11/04/18
 Chico State Republicans	11/03/18
 Butte County Republican Party	11/02/18
 Butte County Young Republicans	10/24/18
 Krystal Trevino	10/19/18

+ Ban a Person

DECLARATION CONFIRMING SEARCH FOR PUBLIC RECORDS
PURSUANT TO THE CALIFORNIA PUBLIC RECORDS ACT AND CITY OF SAN
JOSE v. SUPERIOR COURT DECISION

I, Karl Omy, am an elected official of the City of Chico (hereinafter, "City") and do declare as follows:

1. I understand that under California law, all responsive, non-exempt, public records must be disclosed in response to a Public Records Act ("PRA") request. (California Government Code Section 6250 *et seq.*) I have also been advised of the implications of PRA compliance regarding potential public records from my personal electronic device(s) in light of the California Supreme Court decision in *City of San Jose v. Superior Court* (2017) 2 Cal.5th 608.
2. I understand the definition of "public records" as it is defined in California Government Code Section 6252(e), which states "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics." As a result of the *City of San Jose* decision, this definition has been expanded to include a public official's personal electronic device(s) which contains communications relating to the conduct of the public's business.
3. I also understand that personal communications that are not related in some substantive way to the conduct of the public's business and which are sent from personal electronic devices are not required to be disclosed under the PRA.
4. I understand that a PRA request was submitted by Robin Epley ("Requestor"), dated September 20, 2019, for the following:
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5. I have undertaken a good faith effort to locate all responsive records on my personal device(s). In a review of my personal electronic device, there was/were ____ record(s) that is/are a public record or is/are related to the public's business for the time period set forth by the Requestor.
6. In the event additional searches are conducted and result in responsive documents, those documents will be turned over to the City.

I hereby declare that the foregoing is true and correct to the best of my knowledge.

Karl Omy
Name, Title Mayor

9/30/19
Date

RECEIVED

SEP 30 2019

CITY CLERK
CITY OF CHICO

Debbie Presson

From: Karl Ory
Sent: Wednesday, September 25, 2019 9:55 AM
To: Debbie Presson
Subject: ER PRA request
Attachments: BlockedFB.pdf

Hi Debbie,

Please find attached "screenshots" of my personal and city council FB pages. I have not blocked anyone on my council page. I see I have blocked one person on my personal page. He does not live in the area and his contact is not related in any way to city business. I do not believe I am required to disclose his information to the ER. Please let me know of how this will be handled. Thank you,

Karl

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People and Other Pages

Here's where you can see people and other Pages that like Council Member Karl Ory. From the list of people who like your Page, click the [X](#) to remove someone from the list, or ban them. A person who's banned can't post, comment or like on the Page.

Banned People and Pages

[Search](#)

Name

[Ban a Person](#)[Council Member Karl Ory](#) 9[Move the Junkyard](#)[Chico Friends of the Forest](#) 9

CONTACTS

[Verla Marie Winslow](#)[Crystal Baker](#)[Bill Haack](#)[Elizabeth Lee Mead](#)[Cheri Smith-Comfort](#)[Steve O'Bryan](#)[Lisa Currier](#)

GROUP CONVERSATIONS

[Jessica, Angela, Morgan](#)

DECLARATION CONFIRMING SEARCH FOR PUBLIC RECORDS
PURSUANT TO THE CALIFORNIA PUBLIC RECORDS ACT AND CITY OF SAN
JOSE v. SUPERIOR COURT DECISION

I, Ann Schwab^b, am an elected official of the City of Chico (hereinafter, "City") and do declare as follows:

1. I understand that under California law, all responsive, non-exempt, public records must be disclosed in response to a Public Records Act ("PRA") request. (California Government Code Section 6250 *et seq.*) I have also been advised of the implications of PRA compliance regarding potential public records from my personal electronic device(s) in light of the California Supreme Court decision in *City of San Jose v. Superior Court* (2017) 2 Cal.5th 608.
2. I understand the definition of "public records" as it is defined in California Government Code Section 6252(e), which states "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics." As a result of the *City of San Jose* decision, this definition has been expanded to include a public official's personal electronic device(s) which contains communications relating to the conduct of the public's business.
3. I also understand that personal communications that are not related in some substantive way to the conduct of the public's business and which are sent from personal electronic devices are not required to be disclosed under the PRA.
4. I understand that a PRA request was submitted by Robin Epley ("Requestor"), dated September 20, 2019, for the following:
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5. I have undertaken a good faith effort to locate all responsive records on my personal device(s). In a review of my personal electronic device, there was/were 2 record(s) that is/are a public record or is/are related to the public's business for the time period set forth by the Requestor.
6. In the event additional searches are conducted and result in responsive documents, those documents will be turned over to the City.

I hereby declare that the foregoing is true and correct to the best of my knowledge.

Ann Schwab council member

Name, Title

09/30/2019

Date

General

Messaging

Page Info 2

Templates and Tabs

Post Attribution


Notifications

Messenger Platform

Page Roles

People and Other Pages

People and Other Pages

Here's where you can see people and other Pages that like Ann Schwab Chico City Councilor. From the list of people who like your Page, click the  to remove someone from people who like the Page, or ban them. A person who's banned can't post, comment or take other actions on the Page.

Banned People and Pages

Search



☐ Name

Banned

+ Ban a Person

General

Security and Login

Your Facebook Information

Privacy

Timeline and Tagging

Stories

Location

Blocking

Language and Region

Face Recognition

Manage Blocking

Restricted List

When you add a friend to your Restricted List, they won't see posts on Facebook that you share only to Friends. They may still see things you share to Public or on a mutual friend's timeline, and posts they're tagged in. Facebook doesn't notify your friends when you add them to your Restricted List. [Learn more.](#)

[Edit List](#)

Block users

Once you block someone, that person can no longer see things you post on your timeline, tag you, invite you to events or groups, start a conversation with you, or add you as a friend. Note: Does not include apps, games or groups you both participate in.

Block users

You haven't added anyone to your block list.

DECLARATION CONFIRMING SEARCH FOR PUBLIC RECORDS
PURSUANT TO THE CALIFORNIA PUBLIC RECORDS ACT AND CITY OF SAN
JOSE v. SUPERIOR COURT DECISION

I, Kasey Reynolds, am an elected official of the City of Chico (hereinafter, "City") and do declare as follows:

1. I understand that under California law, all responsive, non-exempt, public records must be disclosed in response to a Public Records Act ("PRA") request. (California Government Code Section 6250 *et seq.*) I have also been advised of the implications of PRA compliance regarding potential public records from my personal electronic device(s) in light of the California Supreme Court decision in *City of San Jose v. Superior Court* (2017) 2 Cal.5th 608.
2. I understand the definition of "public records" as it is defined in California Government Code Section 6252(e), which states "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics." As a result of the *City of San Jose* decision, this definition has been expanded to include a public official's personal electronic device(s) which contains communications relating to the conduct of the public's business.
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5. I have undertaken a good faith effort to locate all responsive records on my personal device(s). In a review of my personal electronic device, there was/were ____ record(s) that is/are a public record or is/are related to the public's business for the time period set forth by the Requestor.
6. In the event additional searches are conducted and result in responsive documents, those documents will be turned over to the City.

I hereby declare that the foregoing is true and correct to the best of my knowledge.

Kasey Reynolds
Name, Title

9/30/19
Date


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SEP 30 2019
CITY CLERK
CITY OF CHICO

DECLARATION CONFIRMING SEARCH FOR PUBLIC RECORDS
PURSUANT TO THE CALIFORNIA PUBLIC RECORDS ACT AND CITY OF SAN
JOSE v. SUPERIOR COURT DECISION

I, SEAN MORGAN, am an elected official of the City of Chico (hereinafter, "City") and do declare as follows:

1. I understand that under California law, all responsive, non-exempt, public records must be disclosed in response to a Public Records Act ("PRA") request. (California Government Code Section 6250 *et seq.*) I have also been advised of the implications of PRA compliance regarding potential public records from my personal electronic device(s) in light of the California Supreme Court decision in *City of San Jose v. Superior Court* (2017) 2 Cal.5th 608.
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6. In the event additional searches are conducted and result in responsive documents, those documents will be turned over to the City.

I hereby declare that the foregoing is true and correct to the best of my knowledge.



Name, Title

9/25/19

Date